

Introduced by Senator Ashburn

February 22, 2005

An act to amend Section 18941.8 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 991, as introduced, Ashburn. State building standards.

Existing law authorizes the governing body of the County of Riverside or a city within that county with jurisdiction over March Air Force Base, March Air Reserve Base, or the March Joint Powers Authority to adopt an ordinance that allows a building or other structure, as specified, located on the former March Air Force Base to comply with specified provisions establishing state building standards and state standards of fire safety, or to any regulations or standards adopted pursuant to state building standards, in a graduated manner over a period of no more than 7 years from the date the property is transferred by the federal government, provided that specified conditions are met. Existing law applies this provision only to a building or other structure for which a local agency adopts a graduated compliance plan, as specified before January 1, 2000, and requires the local agency, before adopting a graduated compliance plan, to form a Compliance Plan Review Committee, as specified, to comment on, and make recommendations to, the governing board of the local agency, concerning the compliance plan. Existing law repeals these provisions on January 1, 2007.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 18941.8 of the Health and Safety Code is amended to read:

18941.8. (a) The governing body of a local agency may adopt an ordinance that allows a building or other structure designated in subdivision (b) to comply with this part and Division 12 (commencing with Section 13000), or to any regulations or standards ~~promulgated~~ *adopted* pursuant to this part, in a graduated manner over a *maximum* period of ~~no more than~~ seven years.

(b) This section shall apply only to those buildings and other structures located on the former March Air Force Base, commonly known as:

(1) The Ben Clark Training Center, formerly known as the Non-Commissioned Officers' Training Academy, including all buildings and structures on the approximately 360 acres.

(2) The buildings comprising the medical facility.

(3) The March Joint Powers Authority, Economic Development Conveyance area comprising buildings 659, 660, 755, 760, 768, 940, 941, 942, 962, 976, 977, 1054, 1055, 2594, 2595, 2620, 2622, 2706, 2991, 2992, 2993, 2994, and 2995.

(c) The period for graduated compliance shall begin with the date the title to the property was transferred by the federal government to a local agency.

(d) The authority for a local agency to adopt an ordinance pursuant to this section is an alternative to the authority provided by Section 18941.7, and shall not be used consecutively with Section 18941.7.

(e) An ordinance adopted by a local agency pursuant to subdivision (a) shall not apply to a building or other structure that will be used as a permanent residence.

(f) ~~Prior to~~ *Before* the adoption of the ordinance pursuant to subdivision (a), each of the following conditions shall be met:

(1) The use of the building or other structure is not hazardous to life safety, fire safety, health, or sanitation, as determined by the application of state and local building and fire codes and standards by the local building official and fire marshal.

(2) The building or other structure has been transferred by the federal government to a local agency.

1 (3) The governing body of the local agency adopts a graduated
2 compliance plan which includes all of the following:

3 (A) Requirements for buildings and structures with:

4 (i) No change in occupancy or use with no anticipated
5 alterations.

6 (ii) No change in occupancy or use with planned alterations.

7 (iii) Change in occupancy or use with no anticipated
8 alterations.

9 (iv) Change in occupancy or use with planned alterations.

10 (B) Requirements for a building and structure compliance
11 inspection and a fire department inspection, and for preparation
12 of inspection reports, ~~prior to~~ *before* issuing a certificate of
13 occupancy.

14 (C) Requirements for the inspection reports prepared pursuant
15 to subparagraph (B) to be attached to the certificate of occupancy
16 or provided to the occupants of the building or other structure.

17 (D) Requirements for the terms and period of time for
18 compliance to be specified in the certificate of occupancy.

19 (E) Requirements that the alterations conform to the standards
20 that were in effect at the time of the alteration.

21 (g) (1) ~~Prior to the adoption of~~ *Before adopting* a graduated
22 compliance plan, the local agency shall form a Compliance Plan
23 Review Committee, hereafter referred to as the “committee,” to
24 comment on, and make recommendations to, the governing board
25 of the local agency concerning the compliance plan.

26 (2) The committee shall be appointed by the governing board
27 of the local agency and the membership of the committee shall
28 contain at least one member from each of the following
29 disciplines:

30 (A) Engineer, licensed by the State of California.

31 (B) Architect, licensed by the State of California.

32 (C) Building Inspector, certified by the International
33 Conference of Building Officials or another similar recognized
34 state, national, or international association.

35 (3) ~~The committee may contain additional members at~~ *At* the
36 discretion of the governing body of the local agency, *the*
37 *committee may have additional members* whose unique
38 background and knowledge may be of assistance to the
39 committee.

(4) In no case shall the membership of the committee contain less than one member from the disciplines set forth in subparagraphs (A) to (C), inclusive, of paragraph (2).

(5) No member appointed to the committee shall be an employee of the local agency.

(6) The committee shall review the draft plan for its consistency with the requirements of this section, and report its written findings and recommendations to the governing board of the local agency. If the committee finds that the draft plan is not consistent with the requirements of this section, the committee shall recommend changes to the draft plan to achieve consistency.

(7) The local agency shall consider the findings and recommendations of the committee. If the committee finds that the draft plan is not consistent with the requirements of this section, the local agency shall take one of the following actions:

(A) Change the draft plan to be consistent with the requirements of this section, as recommended by the committee.

(B) Adopt the draft plan with some of the recommended changes or without changes, provided that the local agency makes written findings that explain the reasons why the local agency believes that the draft plan, as adopted, is consistent with the requirements of this section despite the findings and recommendations of the committee which were not adopted by the local agency.

(8) The local agency shall file a copy of the approved graduated compliance plan with the California Building Standards Commission.

(h) (1) Five years after the commencement of the period for graduated compliance specified in subdivision (b), the local agency shall arrange for the committee to determine whether the buildings or other structures adhere to the graduated compliance plan.

(2) The committee membership shall be governed by subparagraphs (2) to (5) inclusive, of subdivision (g).

(3) If the committee determines that the buildings or other structures do not adhere to the graduated compliance plan, the committee shall recommend to the governing board of the local agency that the local building official should initiate appropriate

1 proceedings to withdraw the certificate of occupancy for that
2 building or structure.

3 ~~(i) Nothing in this section affects~~ *This section does not affect*
4 the requirements of state consent to retrocession pursuant to
5 Section 113 of the Government Code.

6 (j) As used in this section, “local agency” means the County of
7 Riverside, a city within the County of Riverside with jurisdiction
8 over the March Air Force Base or the March Air Reserve Base,
9 or the March Joint Powers Authority.

10 (k) This section shall be applicable to a building or other
11 structure for which a local agency adopts a graduated compliance
12 plan before January 1, 2000.

13 (l) This section shall remain in effect only until January 1,
14 2007, and as of that date is repealed, unless a later enacted
15 statute, that is enacted before January 1, 2007, deletes or extends
16 that date.

17 ~~(m) Nothing in this section shall~~ *This section does not affect*
18 local, state, or federal laws as they relate to access to the
19 disabled.